

Case Information

Case #	H300962	Branch Code	(b)(7)(E)
Branch	Cargo Security, Carriers & Immigration Branch	Sample Disposition	No Sample:
Open Date	9/25/2018	Case Type	Rulings (Rulings Module Format Only)
Case Type Code	(b)(7)(E)	Description	
Subject Matter Code	(b)(7)(E)	Subject Matter	Coastwise Trade - Merchandise
Description		Description	
Issue/Keyword	Jones Act, PVSA, (b)(6)		
Client/Inquirer	(b)(6)		
Date Received	9/25/2018	Correspondence Date	9/25/2018
Date Due	10/31/2018	Days Due	-119
Attorney	No.	Name	Branch
	(b)(6) (b)(6)	(b)(6)	(b)(7)(E)
S/L Date		NIS Code	
Incoming Ref.		OT Tracking No.	
FP&F Case No.		OES Tracking No.	
Port		DHS Tracking No.	
Protest No.		Docket No.	
Internal Advice No.		RIN No.	
FOIA Tracking No.		Regulatory Project	
		No.	
Cross Refs.		FR Citation	
FR Publish Date		CBP Decision No.	
To Prelexis Date			
Milestones			

(b) (6)

(b) (6)

(b) (6)

Partner

(b) (6)

December 4, 2018

By E-Mail

(b) (6)

Attorney-Advisor
Cargo Security, Carriers & Restricted Merchandise Branch
Office of Trade, Regulations and Rulings
U.S. Customs and Border Protection
Mint Annex, 799 9th Street, N.W.
Washington, D.C. 20229-1179

Re: September 25, 2018 Ruling Request; H300962

Dear (b) (6):

This letter responds to your November 8, 2018 request for additional information.

1. Anticipated Construction Dates

(b) (6) anticipates the construction phases to occur in the following time frames:

- Cable installation – start 4th quarter 2019 and finish 1st quarter 2020;
- Scour installation – start May 2020 and finish September 2020;
- Foundation installation – start September 2020 and finish July 2021; and
- Wind turbine installation – start April 2021 and finish September 2021.

2. Names of Vessels to be Utilized

(b) (6) anticipates utilizing the following vessels for each construction phase:

- Cable installation – (b) (4);
- Scour installation – one of (b) (4); (b) (4) or (b) (4); and

- Foundation installation – (b) (4) or (b) (4); and
- Wind turbine installation – (b) (4) or (b) (4)

3. Names of Ports to be Visited

(b) (6) anticipates that the vessels will visit the following ports for each construction phrase:

- Cable installation – (b) (4) are being considered;
- Scour installation – (b) (4) are being considered;
- Foundation installation – U.S. port not selected; (b) (4) under consideration; vessel will enter port only for mobilization and bunkering;
- Wind turbine installation – U.S. port not selected; (b) (4) under consideration; vessel will enter port only for mobilization and bunkering.

4. Installation Crew

You inquired regarding the installation crew on board the vessel that will install the tower foundations and undertake the wind turbine installation. The full list is attached with the overall number being the result in many instances of having multiple crew personnel available for rotation on and off the vessel to permit full time operation. The numbers vary depending on the task being performed. We suggest that each of these persons falls into one of the following categories:

Technicians (including equipment specialists such as riggers, crane operators and remotely operated vehicle operators);
Supervisors (including managers, foremen and superintendents);
Surveyors (including verification agents and client representatives); and
Engineers (including engineer superintendents and engineer surveyors).

Each of these categories are of the type of persons who have been found by CBP not to constitute “passengers” because of the functions they perform. *See, e.g.*, HQ H210666 (March 23, 2012) (technician); HQ H044656 (Nov. 19, 2008) (“service engineer”); HQ H018144 (Oct. 5, 2007) (“service technician”); and HQ H009330 (April 13, 2007) (managers, consultants, technicians, supervisors etc.).

Each of the personnel listed are either employed by (b) (6) or an affiliate of (b) (6) or a subcontractor to (b) (6) or an affiliate of (b) (6) or another person affiliated with the installation such as the turbine manufacturer or the wind farm developer. These persons perform functions both on and off the vessel.

(b) (6)

(b) (6)

December 4, 2018
Page 3

Please let us know if you need any additional information. We consider all of the information contained in this letter and all items listed in the attachment to this letter to be confidential information exempt from disclosure under the Freedom of Information Act and which should be kept confidential pursuant to 19 C.F.R. § 177.2(b)(7).

Very truly yours,

(b) (6)

Attachment

(b) (6)

(b) (6)

; H300962

Installation Crew (excludes vessel marine crew)

Personnel on board of the vessel to install the monopiles/transition pieces and electrical supply platform are listed below:

[illegible]

(b)(4)

(b) (6)

(b) (6)

CONTAINS PROPRIETARY CONFIDENTIAL INFORMATION EXEMPT FROM DISCLOSURE
UNDER THE FREEDOM OF INFORMATION ACT

September 25, 2018

The Commissioner of Customs and Border Protection

Attn: (b) (6)

(b) (6)

Regulations and Rulings

Office of International Trade

Department of Homeland Security

Mint Annex, 799 9th Street, N.W.

Washington, D.C. 20229-1179

Re: Request for Ruling Regarding Interpretation of the Jones Act
and Related Laws

Dear (b) (6):

(b) (6) We hereby request, pursuant to 19 C.F.R. § 177 and on behalf of (b) (6), a ruling pertaining to the application of section 27 of the Merchant Marine Act, 1920, 46 U.S.C. § 55102 ("Jones Act"), the Passenger Vessel Services Act of June 19, 1886, 46 U.S.C. § 55103 ("Passenger Act") and the Dredging Act of 1906, 46 U.S.C. § 55109 ("Dredging Act"). Specifically, we request a ruling confirming that none of the vessel activities relating to the installation of a wind farm to be installed off the coast of (b) (4) as more fully described below and ascribed to foreign-flag vessels would violate the Jones Act, Passenger Act or Dredging Act.

1. (b) (6)

(b) (6) based in New Bedford, Massachusetts,] is the lessee from the U.S. Government through the U.S. Bureau of Energy and Ocean Management ("BOEM") of (b) (4) (b) (6) permitting process is well underway, and (b) (6) intends to start construction in 2019.]

(b) (6) is a leading offshore construction and engineering company and has extensive experience in the installation of offshore wind projects. (b) (6) is bidding towards (b) (6) to provide construction services in connection with the installation of the (b) (6) wind farm.

The following sections of this letter provide a description of the offshore construction activities for the (b) (6)

2. Scour Protection

Each wind tower will be installed outside U.S. territorial waters on the U.S. outer continental shelf or U.S. OCS. Each wind turbine foundation will be protected by scour protection, *i.e.* rocks dumped on the sea bottom to prevent or minimize scour (the washing away of the sand around a man-made structure) around the tower foundation. The current plan is to apply a single or double layer of scour protection.

The first layer of small rocks will be dumped on the seabed on the U.S. OCS in a circular pattern. Then the wind tower foundation pile (or piles with a jacket foundation) will be driven through the rock berm into the seabed. In case of a double layer, an additional, "armor" layer of larger rocks will be dumped around the foundation pile (or piles) once it is driven into the seabed. Prior to the dumping of the rocks, there will be no installation at the work site except for the potential placement of a marker buoy.

The following potential scenarios are anticipated depending on compliance with applicable law: (1) rocks of foreign origin will be loaded at a foreign port to be transported by the foreign flagged rock placement vessel to the work site and dumped; (2) rocks of foreign origin will be loaded onto a foreign flagged rock placement vessel in a U.S. port from a foreign-flag vessel tied up at a dock to be transported to the work site and dumped at the sea bottom; and (3) rocks of foreign or U.S. origin will be delivered to a U.S. on-shore facility and then later loaded in a U.S. port onto the foreign flagged rock placement vessel to be transported to the work site and dumped.

With respect to the first scenario, we respectfully suggest that the Jones Act has no application to the transportation of rocks from a foreign destination to any place off the U.S. coast (including U.S. territorial waters). The reason is that the transportation of the rocks does not take place between two points in the United States.

We further suggest that the Jones Act permits rocks to be loaded at a U.S. port, which are either in a foreign vessel tied alongside a berth or from dockside or at anchor in U.S. territorial waters, to a place on the U.S. OCS by a foreign-flag rock dumping vessel prior to the driving of a pile in the seabed. The reason is that the place where the rocks are dumped is not a "point in the United States" because there is no "installation" or "device" there, under the terms of the Outer Continental Shelf Lands Act, 1953 (codified as amended at 43 U.S.C. §§ 1331-1356a) and CBP prior rulings, to which merchandise can be unladen.)

The presence of the marker buoy does not change this result. As CBP has indicated on a number of occasions – "CBP has long held that marker buoys merely attached to the OCS to mark drilling sites are not considered 'installations' or 'other devices' within the meaning of the Outer Continental Shelf Lands Act (OCSLA) and are therefore not coastwise points." HQ 015078 (Nov. 7, 2007). *See, also*, HQ 110959 (Aug. 8, 1990); HQ 012082 (Aug. 27, 2007).

CBP has also affirmed in a number of contexts, such as with respect to reef construction and debris recovery, that there must be a temporary or permanent attachment of an installation or device before a place on the U.S. OCS can even be considered a "point in the United States."

For example, with respect to reef construction, CBP has indicated that the transportation of concrete structures from a U.S. port on a Canadian-flag vessel to a place outside U.S. territorial waters where there was no installation or device was not a Jones Act-covered movement. HQ 113812 (Jan. 10, 1997); HQ H059376 (May 22, 2009) (to the same effect by finding that a movement of rocks to a place *within* U.S. territorial waters was a Jones Act-covered movement by virtue of it being within U.S. territorial waters). *See, also*, HQ 115886 (Feb. 10, 2003) (dumping of "cultch," *i.e.* stones, broken shells and grit of which an oyster bed is formed, not considered transportation of merchandise).

Moreover, the Jones Act also would not apply to the second layer of a double layer application of scour protection despite the intervening installation of a pile or piles that would form the foundation of a wind tower. The reason the Jones Act does not apply is that, although the rock may come from a U.S. point (dockside or a foreign vessel at dockside or a vessel at anchor in U.S. territorial waters), it will not unladen at a "point in the United States," which is arguably the pile driven in the seabed. The rock will be unladen on the seabed, not on the pile, and there is no "installation" or "device" onto which the rock can be unladen.

CBP has determined on a number of occasions that for the cargo discharge to qualify as "unloading" under its regulations (19 C.F.R. §4.80) outside U.S. territorial waters, the discharge place must be "something to which merchandise or passengers can be transported and on which they can be laden." *E.g.* HQ H012082 (Aug. 27, 2007). The rock will not be "unladen" on the pile which is arguably an "installation" or "device" attached to the seabed. The rock will be unladen on the seabed where there is no attachment. Hence, the rock picked up at a U.S. port will not be unladen at a "point in the United States" and a foreign-flag vessel can accomplish that mission without violating the Jones Act.

Should CBP determine that the presence of a marker buoy alters the foregoing analysis, we respectfully request that it consider whether the Jones Act would apply to the application of scour protection as described above if the marker buoy was present prior to the commencement of the scour protection but was removed immediately prior to the placement of rocks on the seabed.

3. Tower Installation

Each intended wind tower site will be surveyed by a foreign-flag vessel or US flagged vessel before installation of the foundation starts. In case of a double layer scour protection in between the placement of the two layers of scour protection, the foreign installation vessel will drive a pile (in the case of a monopile foundation) or piles (in the case of a jacket foundation) into the seabed that will serve as the wind tower foundation.

The pile or piles will either arrive with the foreign-flag installation vessel from a foreign destination or be brought to the installation vessel by a Jones Act qualified feeder vessel from a U.S. port. During this and other phases of the wind tower construction, the foreign flagged

installation vessel will remain stationary once it receives a component that it will install whether that be by jacking up if it is a jack-up vessel or by maintaining station through dynamic positioning or anchoring.

Wind tower components, including monopiles, transition pieces and anode cages, will be positioned at a U.S. port whether of U.S. or foreign origin. A Jones Act-qualified feeder vessel will load components and sail to the work site. The foreign installation vessel will off load the pieces onto the deck of the foreign installation vessel. Or components may be modified with watertight plugs and towed to the foreign installation vessel by a Jones Act qualified tug or tugs from a U.S. port. In any event, the only movement of the components brought from a U.S. port undertaken by the foreign installation vessel will be by movement of the crane of the foreign installation vessel and the foreign installation vessel will either not move at all or rotate on its axis.

The foreign installation vessel will also either arrive with expendable items loaded at a foreign destination – such as bolts, paint or grout – or those items will be brought to the installation vessel by a Jones Act-qualified vessel.

All of the foregoing activities are in compliance with the Jones Act. Survey activities in U.S. waters have been found by CBP on many occasions to be exempt from the Jones Act. *E.g.* HQ 116602 (January 30, 2006); HQ 113461 (June 8, 1995).

With respect to the activities of the foreign-flag installation vessel, those activities, whether they be pile driving or installing wind tower components, also do not involve transportation of merchandise between two points in the United States. CBP has indicated on a number of occasions that a foreign-flag construction or installation vessel can operate in U.S. territorial waters or on the U.S. OCS in compliance with the Jones Act provided that the vessel itself does not move when loaded with merchandise that came from a U.S. port. CBP's installation confirmations have also occurred in the context of offshore wind installations. *See* HQ H143075 (Feb. 24, 2011); HQ H106415 (May 27, 2010).

CBP has also indicated that a foreign installation vessel can rotate on its axis and not violate the Jones Act so long as the vessel itself does not move off axis once it has items on board that have been delivered from a U.S. port. *E.g.* HQ 116680 (June 29, 2006). The foreign-flag installation vessel will not move off axis when laden with items on board that have been delivered from a U.S. port (except if it must be moved to another location because of stress of weather or other reason involving the vessel's safety, in which case the vessel will subsequently return to the same point) and therefore will be in compliance with these rulings.

With respect to the transportation of expendable items such as bolts, paint or grout, we suggest that such items should be considered "vessel equipment" and not "merchandise" because such items are "used by" the installation vessel and "integral to the operation of the vessel" as an offshore wind tower installation vessel. *E.g.* HQ H029417 (June 5, 2008). As CBP has indicated, it "has consistently held that vessel equipment consists of articles necessary to carry out a vessel's functions," and the foregoing items are in fact necessary to the wind tower installation function being performed by the installation vessel.

We fully appreciate that CBP has considered modifying prior "vessel equipment" rulings such that expendable items would be considered "merchandise." See 51 Cust. Bull. and Dec. 3 (Jan. 18, 2017). However, that proposal was withdrawn and remains withdrawn which means that rulings such as HQ 101925 (Oct. 7, 1976) where expendables were deemed not to be "merchandise" remain viable rulings. See 51 Cust. Bull. and Dec. 19 (May 10, 2017).

4. Installation Personnel

The foreign-flag installation vessel subdivides its crew complement into the vessel crew and the project crew. The vessel crew consists approximately 30 - 40 officers and (un)licensed personnel who operate the vessel and its machinery (including the crane) or provide services to the crew (such as cooks, stewards and catering personnel). The project crew consists of approximately 40 - 60 personnel who perform wind tower installation functions on board the installation vessel and the partially completed wind tower with the following job titles – lifting supervisor, rigger, grouting technician, bolting technician, project manager, site superintendent, electricians, project engineer and other similar and related personnel.

The foreign-flag installation vessel will arrive at a U.S. port with an incomplete crew complement. Some foreign and USA crew members may board the vessel in a U.S. port. The installation vessel will then sail to the first offshore wind farm work site. Other crew members may arrive on board the installation vessel once it is offshore by helicopter from the U.S. or on board a Jones Act-qualified vessel that transports them from a U.S. port to the vessel offshore if jacked-up or anchored.

During the installation process, some of the project crew will disembark from the stationary installation vessel onto the partially constructed foundation tower to conduct installation activities such as bolting, grouting, painting, cable pull in and testing. The project crew then will return to the installation vessel following completion of tasks or proscribed work periods. The project crew will go back and forth from the installation vessel to the tower under construction until their tasks are complete.

When the installation vessel moves from one wind tower installation site to another wind tower installation site, it will transport some or all of the project crew on board who will perform the same functions at the next wind tower site. The installation vessel may leave one work site and return to it later for continued installation work.

Crew members will either disembark the installation vessel at a U.S. port via helicopter or by a Jones Act-qualified vessel or by the installation vessel.

According to the CBP regulations, a "passenger" is "any person carried on a vessel who is not connected with the operation, navigation, ownership, or business of the vessel." 19 C.F.R. § 4.50(b). The Passenger Act prohibits the transportation of any "passenger" between "ports or places in the United States to which the coastwise law apply" except in a Jones Act-qualified vessel. 46 U.S.C. § 55103.

We believe that according with the law and CBP precedents, no member of either the vessel crew or the project crew are "passengers" within the meaning of the Passenger Law.

First, the vessel crew are plainly directly connected with the "operation, navigation, ownership *and* business of the vessel." The vessel crew are therefore not "passengers."

Second, CBP has issued numerous rulings interpreting the word "passenger" in the Passenger Act context which indicate that the project crew are also not "passengers."

As CBP has indicated, "workmen, technicians, or observers transported by vessel between ports of the United States are not classified as 'passengers' . . . if they are required to be . . . onboard because of a necessary vessel . . . business interest during the voyage." HQ H229016 (Aug. 2, 2012). Furthermore, the individuals must be "directly and substantially" related to the . . . business of the vessel itself in order for such individuals to not be considered as passengers . . .". *Id.*

For example, CBP determined that a vessel's "employees of the vessel owner/operator making up the vessel's dive crew (including divers, tenders, technicians and supervisors) subcontractors hired as part of the dive crew, client supervisors for whom the work is being performed, welders and survey positioning equipment and personnel" all were not "passengers" because they were directly and substantially related to the business of the subsea construction and salvage vessels. HQ 113838 (Feb. 25, 1997). Similarly, "work crews" consisting of "position surveyors" and a "project superintendent" were not considered "passengers" for the same reason. HQ H254385 (June 25, 2014); HQ 115381 (June 15, 2001) ("non-crew support personnel (5-6 dive personnel)" not "passengers"); HQ 113137 (June 27, 1994) ("well stimulation personnel" not "passengers"); HQ 111718 (Aug. 12, 1991) ("technicians necessary to assist the vessel's pipelaying operation" and "construction company personnel and employees of the various subcontractors" not "passengers.").

We believe that none of the foreign vessel project crew are "passengers" because all of them are directly and substantially related to the business of the foreign installation vessel, which is to install offshore wind foundations, towers and turbines. Each member of the project crew has a function that is necessary to such installation. Each is either a workman, technician, engineer or supervisor who is required to be on board in order for the installation vessel to perform its function. Therefore, none of the members of the project crew are "passengers."

Since none of the members of the crew will be "passengers," the foreign installation vessel can freely transport such crew members from a U.S. port to an offshore work site or between offshore work sites and be in compliance with the Passenger Act.

5. Cable Installation

The offshore wind towers will be connected to the U.S. power grid via subsea cables connecting each individual tower to an offshore sub-station or offshore sub-stations and connecting the offshore sub-station to an onshore connection. The cable will be laid by a foreign-flag cable installation vessel between these points. In the event that a Jones Act-qualified barge is utilized for a portion of the cable laying, it will be towed and maneuvered in U.S. territorial waters by Jones Act-qualified tugs.

The cable will either arrive on the foreign cable installation vessel itself from a foreign destination or via another foreign-flag vessel from a foreign destination. In the latter instance, the cable will be loaded onto the foreign cable installation vessel either in a U.S. port or at sea either within or outside U.S. territorial waters. At sea, the cable may be laid down on the seabed in either U.S. territorial waters or outside such waters for later pick up by either the near shore Jones Act-qualified barge or the foreign-flag cable installation vessel. Some of the cable laid down on the seabed either within or outside U.S. territorial waters may be picked up and laid down again.

Any excess cable loaded at either a foreign destination or a U.S. port onto the foreign cable installation vessel that is unloaded ashore rather than being laid on the seabed will be unloaded at the same berth in the same U.S. terminal/port where any of the U.S. origin cable was loaded.

CBP has consistently held that pipe or cable laying can be undertaken by a foreign-flag vessel in either U.S. territorial waters or on the U.S. OCS without violating the Jones Act because the pipe or cable is paid out and not landed as cargo. *E.g.* HQ 115333 (April 27, 2001); HQ 115431 (Sept. 4, 2001); HQ 113247 (Oct. 26, 1994); HQ 112032 (Jan. 21, 1992). Therefore, the use of a foreign cable installation vessel as described above to lay cable between shore and an offshore sub-station, between wind towers and such sub-station or between wind towers does not violate the Jones Act. Moreover, any cable end that comes to rest on the seabed whether within U.S. territorial waters or on the U.S. OCS that is then recovered by a foreign-flag vessel to make a connection with cable that is laid or to be laid on the seabed is permissible under the same principle.

Similarly, cable can be stored on the seabed whether within U.S. territorial waters or on the U.S. OCS and be later picked up by a foreign-flag vessel to be laid between two U.S. points provided that cable stored on the seabed within U.S. territorial waters cannot be picked up by a foreign-flag vessel and either returned to a U.S. port or unladed at some other U.S. point.

The foregoing is supported by CBP rulings which provide that a "wet storage site is a coastwise point as it is within U.S. territorial waters." HQ 116394 (Feb. 8, 2005). In other words, a "wet storage site" outside U.S. territorial waters is not a point in the United States. CBP has issued similar rulings with regard to wreckage or debris confirming that items placed on the seabed without attachment outside U.S. territorial waters are not located at a point in the United States. *E.g.* HQ H014893 (Aug. 2, 20017); HQ 115850 (Nov. 12, 2002). Therefore, such movements of cable from seabed location to seabed location are not encompassed by the Jones Act provided that both locations are not within U.S. territorial waters.

In connection with the cable laying, several seabed preparation activities will be undertaken. Much of the cable laid on the seabed will be laid in trenches prepared through the use of water jetting "swords" or in combination with a chain cutter employed by a foreign-flag vessel. This device will create a narrow slice of a trench for the cable and the cable will be buried over time by the action of the sea current.

In addition, rocks or concrete mats may be placed by a foreign-flag vessel over cables where cables cross or because of undersea sand dunes. As is the case with scour protection,

the rocks or concrete mats may be sourced directly from either a foreign destination or indirectly from a foreign destination where they would first be delivered to a U.S. port or a vessel in a U.S. port tied alongside a berth or anchored in a U.S. territorial waters.

CBP has long ruled that the use of water jetting, including water jetting in combination with a cutting disc or other device, does not constitute "dredging" under the Dredging Act and can be performed by a foreign-flag vessel in U.S. territorial waters and on the U.S. OCS. For example, CBP has indicated that the "use in United States territorial waters from a cable laying or repair vessel of cable burial devices which temporarily remove from the seabed, by either an emulsification or a share or plow and cutting disc, a very narrow 'slice' of the seabed under which the cable is buried is not an engagement in dredging in the United States . . .". HQ 113223 (Sept. 29, 1994). *See, also*, HQ 115646 (April 12, 2002) ("jet plow" consisting of blades and multiple nozzles found not be "dredging"); HQ H012082 (Aug. 27, 2007) ("jetting action resulting in the emulsification of the seabed surrounding the cable" not "dredging").

The combination jetting "swords"/chain cutter device to be employed in this project is primarily a water emulsification or fluidization device which should not be considered to be engaged in "dredging" in accordance with CBP precedents. The use of a chain cutter aspect to the device should not change this conclusion given the precedents regarding the use of a blades or cutting disc which is just a different form of mechanical device to achieve the same result – which is to create a narrow trench for the placement of a cable.

In no event can the jetting "swords"/chain cutter be considered "an underwater sea plow to create a furrow or trench," which CBP has on occasion considered "dredging." *See* HQ 115580 (March 20, 2002). The jetting "swords"/chain cutter is not a "plow" as it does not have any hoe-type aspect.

With respect to the placement of rocks and concrete mats, the Jones Act analysis should be the same as with scour protection. Any rocks or concrete mats placed on the seabed that are not in U.S. territorial waters or near any installation or device permanently or temporarily attached to the seabed can be loaded in a U.S. port and placed there by a foreign-flag vessel. The reason, as with scour protection, is that places on the U.S. OCS where there is no attachment of any installation or device are not points in the United States.

Request

We hereby request that CBP confirm that the vessel related activities outlined in this letter ascribed to foreign-flag vessels can be accomplished without violating the Jones Act, Passenger Act or the Dredging Act.

We further request that the name of our client (b) (6), the name of our client's counter-party (b) (6) and the identification of the (b) (4) wind farm project be kept confidential pursuant to 19 C.F.R. § 177.2(b)(7) in the publication of any ruling responding to this request. Each item which should be kept confidential appears in brackets in this letter. The international offshore wind market is highly competitive business and commercial business plans and intended operations are kept very confidential. Release of the name of the requesting party or the counter-party when the ruling request is made public could

(b) (6)

September 25, 2018
Page 9

cause (b) (6) substantial harm in its competitive position with respect to the installation of offshore wind towers in the North American market for these reasons.

Thank you for your consideration of these requests. We would greatly appreciate an expeditious response to these requests.

Very truly yours,

(b) (6)

(b) (6)

From: (b) (6)
Sent: Monday, December 10, 2018 2:34 PM
To: (b) (6)
Subject: RE: Request No. H300962 -- Response to November 8, 2018 Request for Information

Hello (b) (6),

Thank you for following up. I was out of the office for much of last week. I confirm receipt of the attachment.

Thank you.

(b) (6)
Attorney-Advisor
Cargo Security, Carriers & Restricted Merchandise Branch
Office of Trade, Regulations and Rulings
U.S. Customs and Border Protection
Phone: (b) (6)
(b) (6)

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From: (b) (6)
Sent: Monday, December 10, 2018 2:25 PM
To: (b) (6)
Subject: FW: Request No. H300962 -- Response to November 8, 2018 Request for Information

(b) (6) (b)(6)

Making sure you received this.

(b) (6)
Partner
(b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Bio | VCard | Email | (b) (6)

From: (b) (6)
Sent: Tuesday, December 04, 2018 1:29 PM
To: (b) (6)
Subject: Request No. H300962 -- Response to November 8, 2018 Request for Information

(b) (6) (b)(6)

Please confirm receipt of the attached letter.

(b) (6)

Partner

(b) (6)

Bio | VCard | Email | (b) (6)

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(b) (6)

From: (b) (6)
Sent: Tuesday, December 4, 2018 1:29 PM
To: (b) (6)
Subject: Request No. H300962 -- Response to November 8, 2018 Request for Information
Attachments: (b) (6)

(b) (6) (b)(6)

Please confirm receipt of the attached letter.

(b) (6)

Partner

(b) (6)

(b) (6)

Bio | VCard | Email | (b) (6)

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(b) (6)

From: (b) (6)
Sent: Thursday, November 8, 2018 9:54 AM
To: (b) (6)
Subject: H300962 U.S. CBP Ruling Request

Dear (b) (6),

We are in receipt of your letter, dated September 25, 2018, requesting a ruling from U.S. Customs and Border Protection on behalf of your client, (b) (6). In reviewing your request, we will need the following additional information:

1. When does your client anticipate construction will start in 2019?
2. Please provide the names of the vessels, or possible vessels, that will be used in the project. We can keep the names confidential if you wish.
3. Please provide the names of all U.S. and foreign ports, points, and/or destinations referred to in the ruling request. We can keep these locations confidential if you wish.
4. Please provide a complete list of the roles of the persons who will be transported onboard the vessels (i.e. the individuals referred to in section 4 of the request).

Pursuant to 19 C.F.R. §177.3, you have thirty (30) days to supply the information requested above. If we do not receive the additional information within thirty (30) days, the case will be administratively closed and the request removed from active consideration.

Please let me know if you have any questions. Thank you for your cooperation and assistance.

Sincerely,

(b) (6)

(b) (6)

Attorney-Advisor
Cargo Security, Carriers & Restricted Merchandise Branch
Office of Trade, Regulations and Rulings
U.S. Customs and Border Protection
Phone: (b) (6)
(b) (6)

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(b) (6)

From: (b) (6)
Sent: Tuesday, September 25, 2018 12:13 PM
To: (b) (6)
Subject: FW: Ruling Request
Attachments: 20180925114416726.pdf

H300962

Upload incoming into shared drive and RRTS under its own folder. Thx.

From: (b) (6)
Sent: Tuesday, September 25, 2018 11:43 AM
To: (b) (6)
Subject: Ruling Request

(b) (6) (b)(6)

Please acknowledge receipt of the attached ruling request.

(b) (6)

Partner

(b) (6)

Bio | VCard | Email | (b) (6)

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